

**ANIMAL CONTROL
ORDINANCE
COUNTY OF MUSKEGON**



Ordinance No. 2006 - 463
September 12, 2006

Amended:
December 11, 2008
September 13, 2011

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County of Muskegon

Animal Control Ordinance

The County of Muskegon deems that ownership of a dog carries with it responsibilities to the County and its residents with regard to care and control of that animal. In interpretation and application, the provisions of the Ordinance shall be construed to impose the primary responsibility for compliance with this Ordinance on the owner of a dog. The following ordinance defines the authority of an Animal Control Officer, provides for the collection of stray and unwanted dogs, the licensing and vaccination of dogs, the issuance of kennel permits, regulates the keeping of dogs, the impoundment of dogs, and establishes a mechanism to enforce this ordinance.

ARTICLE I – GENERAL PROVISIONS

Section 101 – Short Title

This Ordinance shall be known, and shall be cited and referred to as, the Muskegon County Animal Control Ordinance.

Section 102 – Limitations

This Ordinance shall not be construed to apply to any city, village or township, which has adopted an animal control ordinance pursuant to MCL 287.290.

Section 103 – Authority

The authority for this Ordinance is found in Act 339 of the Public Acts of 1919 (MCL 287.261 - 290), as amended.

Section 104 – Repeal

All ordinances or parts of ordinances inconsistent with this ordinance are repealed. Specifically, this Ordinance repeals the Animal and Vector Control Ordinance of Muskegon County, No. 2006-463, as amended.

Section 105 – Savings Clause

This Ordinance does not affect rights or duties that have matured, penalties that were incurred, or proceedings that were begun, before the effective date of this ordinance.

Section 106 – Severability

The various sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If a court of competent jurisdiction adjudges any section, paragraph, sentence, clause, or phrase unconstitutional or invalid, the remainder of this Ordinance shall not be affected by that judgment.

ARTICLE II – DEFINITIONS

Section 201 – Definitions

Whenever the following terms are used they shall have the meaning set forth in this article.

- (a) **Animal** for the purposes of this Ordinance, are nonhuman mammals that are subject to rabies testing, except for rabbits or hares and rodents other than woodchucks.
- (b) **Animal Control Officer** shall mean any agent designated to enforce this Ordinance, the Dog Law of 1919 (Act 339 of 1919), Wolf-Dog Cross Act (Act 246 of 2000), Ferrets (Act 358 of 1994), or the Large Carnivore Act (Act 274 of 2000), and who has been deputized by the Muskegon County Sheriff to carry out those duties.

- (c) **Animal Shelter** shall mean the animal kenneling facility contracted by Muskegon County to house stray and unwanted dogs.
- (d) **Director** – The Public Health Director/Health Officer for the County of Muskegon.
- (e) **County** shall mean the County of Muskegon.
- (f) **Dog Kennel** shall mean any establishment where dogs are kept for the purpose of breeding, sale, or sporting purposes.
- (g) **Owner** shall mean any person having a right of property in the dog, an authorized agent of the owner, and any person who keeps or harbors the dog or has it in his care, custody or control, and any person who permits the dog to remain on or about the premise occupied by that person.
- (h) **Person** shall mean any individual person, a firm, partnership, corporation, trust, or any association of persons.
- (i) **Public Health - Muskegon County** – The public health department for Muskegon County.
- (j) **VECTOR CONTROL PROGRAM** – The program within Public Health - Muskegon County responsible for administering the animal control requirements found in the Dog Law of 1919.

ARTICLE III – COLLECTION OF STRAY AND UNWANTED ANIMALS

Section 301 – Capture

An Animal Control Officer may capture or take into custody:

- (a) Unlicensed dogs.
- (b) Dogs which are running loose or which are not held properly on leash while off the owner's property.
- (c) Dogs maintained contrary to this Ordinance.
- (d) Any animal that has bitten a person.

Section 302 – Recommended Impound

An Animal Control Officer may capture and take into custody, or accept and care for, any animal held for observation at the recommendation of a doctor, a veterinarian, or Public Health - Muskegon County.

Section 303 – Power to Conduct Inspections

An Animal Control Officer is authorized to examine, capture any dog, or to conduct inspections of all properties, public or private, in conjunction with the fulfillment of the duties and responsibilities in this Ordinance. If a person(s) refuses to permit access to the areas or places of keeping of dogs, the County shall seek the necessary court authorization to enter the premises.

Section 304 – Exhibition of Dogs, Licenses, or Certificates of Vaccination

An Animal Control Officer may require that a person owning any dog exhibit the dog, the required vaccination certificate, or the current license and license tag for such dog.

Section 305 – Failure to Show License

Any person upon whom a demand is made under the authority of this Ordinance for the exhibition of any dog, rabies vaccination certificate, license or tag, who fails or refuses to exhibit the same, if he or she has it in his or her possession, is in violation of this Ordinance.

Section 306 – Interference with an Animal Control Officer

No person shall interfere with, oppose, or resist an Animal Control Officer while he or she is engaged in the performance of any act authorized by this Ordinance.

Section 307 – Reclamation

All reclaimed dogs must be licensed as specified in this Ordinance.

ARTICLE IV – INDIVIDUAL DOG LICENSING

Section 401 – Licensing Required

The owner of a dog that is four (4) or more months old that is not currently licensed must apply to the County Treasurer's authorized agent for a license for each dog kept by him or her within 30 days of receiving the dog.

All dogs shall be individually licensed by the County except for:

- (a) A dog under four months of age.
- (b) A dog from another state or county if the dog will be in Muskegon County for thirty (30) days or less.
- (c) Dogs kept in animal control shelters or animal protection shelters licensed by the State.
- (d) Dogs kept in dog kennels licensed pursuant to this Ordinance.

Section 402 – Length of License

Dog owner's have the option of selecting either a one or three year license for their dog. A one year license shall expire the last day of the month in which the dog's current rabies vaccination expires every year.

Three year licenses shall only be issued for dogs that have a rabies vaccination that does not expire for three years. A three year license shall expire on the last day of the month in which the dog's current rabies vaccination actually expires.

Section 403 – Rabies Vaccination

All dogs over four months old, except for transitory dogs held in a licensed kennel, shall be protected by a current rabies vaccination. Such vaccine shall be administered by a veterinarian, except when a veterinarian states in writing that the dog should not be vaccinated for medical reasons and indicates when the dog can be vaccinated.

Section 404 – Licensing Limitations

A dog license shall be issued for only a dog which has a current rabies vaccination. A dog license may be issued to an unvaccinated dog if the veterinarian certification set forth in Section 403 is presented.

Section 405 – Individual Licenses

The County Treasurer, or his or her agent, shall issue licenses pursuant to MCL 287.274. License fees shall be established by the County Board of Commissioners and can be changed from time to time.

Section 406 – License Renewal

All applications for a renewal license for a currently licensed dog must be complete at the time of submission. A renewal application will be deemed incomplete if the application is not completed or if the correct fee and proof of a current rabies vaccination (if applicable) are not submitted with that application.

Section 407 – Refund for License Fees

All dog license fees are nonrefundable after a valid dog license has been issued.

Section 408 – License Late Fees

Failure to comply with the licensing requirements of this Ordinance will result in the imposition of late fees as may be established by the County Board of Commissioners.

Section 409 – Wearing of Tags

A license tag shall be worn by each licensed dog at all times.

Section 410 – Transfer of License

No license or tag issued for one dog shall be transferable to another dog. If the ownership of any dog is transferred to from one person to another person and both people reside in Muskegon County, the license of such dog may be transferred provided the new owner gives notice to the Vector Control Program within 30 days of the transfer.

Section 411- Change of Address

If a dog is moved to an address other than that listed on the dog license, the owner shall provide the Vector Control Program with a change of address.

ARTICLE V – DOG KENNELS

Section 501 – Kennel License

Any person who keeps or operates a kennel for the purpose of remuneration may, in lieu of obtaining individual licenses for the dogs therein as required by this Ordinance, apply to the County for a kennel license. The cost of a kennel license is set by MCL 287.270.

Section 502 – Kennel Permit Qualifications

To qualify for a kennel license, an applicant shall do all the following:

- (a) Submit an application on a form provided by the licensing authority that includes the maximum number of dogs which will be kept in the kennel.
- (b) Be the owner or an officer of the legal entity owning the kennel.
- (c) Comply with the requirements of this Ordinance and any applicable State laws regarding the keeping of animals.
- (d) Allow the County access to the kennel in order to determine compliance with the applicable rules and requirements of this Ordinance.
- (e) Pay all applicable inspection and license fees at the time the application is submitted.

Section 503 – Inspection

Each kennel shall be inspected prior to the issuance of a kennel permit to assure compliance with this Ordinance. Additional inspections may occur at any reasonable time to assure compliance with the Ordinance and to prevent any public health problem.

Section 504 – Revocation of Kennel License

A kennel license may be revoked if a condition exists that will endanger public health or if the kennel is, in the opinion of the Animal Control Officer, not in compliance with this Ordinance.

Section 505 – Forfeiture of Fee

Upon revocation of a kennel license, no part of the fees paid for the license or inspection shall be returned and such fees shall be forfeited to the County.

Section 506 – Display of Kennel License

Every person having a kennel license shall keep that permit posted and exhibited in a conspicuous manner at the kennel.

Section 507 – Local Zoning

No kennel license shall be valid for any kennel which violates any zoning or official land use plan. No license shall be valid where the relevant governing authority such as a township, village, or city declares such a nuisance.

Section 508 – Conditions of Kennel

All kennels operated in the County must meet the following minimum requirements:

- (a) Kennel Facility: A kennel facility shall be constructed as to prevent the public or stray dogs from obtaining entrance and gaining contact with dogs lodged in the kennel.
- (b) Building: Enclosures that give adequate protection against weather extremes shall be provided. Floors and walls of buildings shall be of an impervious material to enable proper cleaning and disinfecting. The building temperature shall be maintained at a reasonable level and adequate ventilation shall be provided.
- (c) Cages: Cages shall provide enough space to let each dog stand up, lie down, and turn around without touching the top or sides of the cage. Cages shall be of a material and construction that permits cleaning and sanitizing. Cage floors, unless radiantly heated, shall have either a resting area above the cage floor or some type of bedding.
- (d) Feeding: All food shall be free of contamination, wholesome, palatable, and sufficient quality and nutritive value to meet the daily requirements determined by the condition and size of the dog.
- (e) Water: All dogs shall have fresh water available in sufficient quantity and quality to meet the daily requirements determined by the condition and size of the dog. Water vessels shall be mounted or secured in a manner that prevents tipping.
- (f) Proper Disposal of Feces: Feces shall be removed by composting, proper disposal in the garbage, or by hosing down the kennels in a manner that does not promote the harborage of vermin or pests or a health hazard. If feces are to be washed down drains, the drains must be connected to the sanitary sewer or an approved septic system.

Section 509 – Kennel License Exception

Personal pets of individuals who have obtained a kennel license are required to individually license those pets pursuant to Article IV of this Ordinance.

Section 510 – Hearing

If a person wishes to contest the revocation of a kennel permit, the contesting person may request a hearing before the Director or a Hearing Officer designated by the Director. The contesting person may present evidence and be represented by legal counsel. The Hearing Officer shall make written findings of fact and conclusions of law based on the evidence presented at the hearing.

ARTICLE VI – DOGS RUNNING STRAY

Section 601 – Dogs Running Stray

It shall be a violation of this Ordinance for any person who owns or has care and custody or control of a dog to allow it to stray off of that person's property unless the dog is restrained with a lead or leash, unless the dog is being trained in an area authorized as a special dog training area under MCL 324.42101.

ARTICLE VII – IMPOUNDMENT PROCEDURES

Section 701 – Vector Control Animal Shelter

The Animal Shelter is the animal custodial care facility of the County. The Animal Shelter shall hold all animals impounded by the County as provided in MCL 287.388.

Section 702 – Relinquishing Strays

Any person picking up any stray dog found running at large shall surrender such animal to the Animal Control Officer upon request.

Section 703 – Apprehension of Strays

Any person finding a stray dog may assist an Animal Control Officer by holding such dog for an Animal Control Officer to pick up.

Section 704 – Notice

When any dog wearing a current valid license tag issued by the County-is impounded pursuant to this Ordinance, the Vector Control Program shall, within twelve working hours after receiving such dog, give written notice of the dog's confinement to the person to whom the license was issued, at the address provided when the animal was licensed.

ARTICLE VIII – ENFORCEMENT AND PENALTIES

Section 801 – Fines

Any person who violates this ordinance may be responsible for a municipal civil infraction violation punishable by a municipal civil infraction fine not to exceed \$500.00 and the costs of prosecution. Consistent with MCL 46.10b, a schedule of monetary civil penalties adopted by the County Board of Commissioners may be used to set civil penalties for violations of this Ordinance.

Section 802 – Enforcement

Any Animal Control Officer or Muskegon County Sheriff's Deputy is authorized to issue and serve municipal civil infractions citations, if the Animal Control Officer or Muskegon County Sheriff's Deputy has reasonable cause to believe that a person has committed a municipal civil infraction violation of this ordinance.

Section 803 – Violations Bureau

Public Health - Muskegon County may be established as the Violations Bureau for municipal civil infraction violations if authorized by the Muskegon County Board of Commissioners.

Section 804 – Payment

All persons that receive citations will have fourteen (14) calendar days to contact the Violations Bureau to pay the fine or contest the violation.

Section 805 – Contested Violations

If either the plaintiff or the defendant contests the violation, the complaint will be forwarded immediately to the District Court to schedule an informal or formal hearing.

Section 806 – Delinquent Citations

After fourteen (14) calendar days, if either party takes no action, the complaint citation will be forwarded to the District Court. Upon receipt of the delinquent citation, the District Court will enter a default judgment against the defendant and begin the collection procedures.